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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,640	04/22/2004	Larry L. Russell	REED1001.12	5335
7590	12/01/2004		EXAMINER	
Karry W. Wang, Esq. Law Offices of Karry W. Wang 555 Pierce Street, #1043 Albany, CA 94706			ALAUBAIDI, HAYTHIM J	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/828,640	RUSSELL, LARRY L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Haythim J. Alaubaidi	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 22 April 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is a first non-final Office Action in regard to the current Application NO. 10/828,640 filed on April 22, 2004.
2. Claims 1-9 are presented for examination, of which Claims 1 and 6 are independent Claims.
3. Claims 1-6 are rejected under 35 U.S.C. 103(a).

#### ***Priority***

4. Applicant claim for priority of US provisional Application No. 60/171,620 was accepted and therefor accorded the benefit of the earlier filing date.

#### ***Specification***

5. The abstract of the disclosure is objected to because it is not narrative in form and it is merely repeating the claimed limitations.

Correction is required. See MPEP § 608.01(b).

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Darren J. Davis (U.S. Patent No. 6,269,361 and Davis hereinafter) in view of Daniel Bandera (U.S. Patent No. 6,332,127 and Bandera hereinafter).

Regarding Claims 1 and 6, Davis, discloses:

creating a database<sup>1</sup> containing one or more website identifiers input by an advertiser<sup>2</sup> associated (relevant) with the advertisement of the website address of the billboard<sup>3</sup> (Figure No. 3, Element No. 282 and corresponding text; see also Figure No 5, Elements 330 and 352-356 and corresponding text; see also Figure No. 7 and corresponding text; see also Col 5, Lines 18-20); permitting a user to search the database by inputting at least one of the website identifiers (Col 6, Lines 3-5); and

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<sup>1</sup> Please note that according to Figure 3, Element 282, the Examiner is interpreting the "Account Management Server" to be the database for storing the web site identifiers.

<sup>2</sup> Please note that the Examiner is interpreting the "website identifier" to be similar to the "search term" or "keyword" of Davis's patent (Figure 5, Element 352 which is advertising information according to Figure 5, Element 330). Also the "advertiser" to be similar to a "web site promoter" (see Col 5, Lines 18-19).

<sup>3</sup> The "billboard" could be interpreted to be any website or web-page on the internet, such as the search engine web site showing on Figure 7 of Davis's patent.

providing to the user a search response including one or more web site addresses advertised on the billboard (Figure No. 7 and corresponding text; see also Col 17, Lines 53-65)<sup>4</sup>.

Davis reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate the step of wherein one or more web site identifiers is a location where the user may have seen the advertisement of the web site address on the billboard. However, Bandera discloses wherein one or more web site identifiers is a location where the user may have seen the advertisement of the web site address on the billboard (Col 5, Lines 16-25).

Given the intended broad application of Davis system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Davis with the teachings of Bandera to indicate a user location or an advertising location where the user may have seen the advertising in order to enhance the efficacy of advertising (Col 2, Lines 47-48; see also Col 2, Lines 24-25; see also Figure No. 6 and corresponding text) and to better personalize the advertising to the individual users level instead of a general level advertising.

Regarding Claim 2, Davis discloses wherein the response further includes information related to a web site (web site description) associated with the web site

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<sup>4</sup> Please note that Independent Claim 6 was grouped with Independent Claim 1, as they both contain the same limitations except for the categorizing feature which is being addressed below (when referring to Figure No. 7 and 9, i.e. ranking) as ranking the terms would be similar to categorizing the identifiers.

address advertised on the billboard (Figure No. 7, Element No. 720 and 760j and corresponding text; see also Col 6, Lines 1-5, i.e. web site description).

Regarding Claims 3 and 9, Davis discloses a subject matter of interest (Figure No. 9, i.e. car, auto and automobile; see also Figure No. 5, Element No. 352-356)<sup>5</sup> also Bandera discloses time of day when the user may have seen the advertisement (Col 2, Lines 47-49; see also Col 5, Lines 16-25).

Regarding Claim 4, Bandera discloses wherein the location is a name of the city (Figure No. 6, i.e. North Carolina and Virginia).

Regarding Claims 5 and 7, Davis discloses password protection database (Figure NO. 2, Element No. 110 and corresponding text).

Regarding Claim 8, Davis discloses storing non-identifier information (Figure No. 7, Element No. 750 a-f).

#### ***Other Prior Art Made of Record***

9. Crosby et al. (U.S. Patent No. 6628928) discloses an Internet-based interactive radio system for use with broadcast radio stations;

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<sup>5</sup> Please note that the search terms selected by the advertiser are search terms relating to the web site to better describe the web site and to increase the chances for having a better and more accurate search result list (Figure No. 7 and corresponding text).

- b. Hunter (U.S. Patent No. 6430605) discloses a system permitting retail stores to place advertisements on roadside electronic billboard displays that tie into point of purchase displays at stores; and
- c. Litwin (U.S. Patent No. 6374228) discloses a rebate advertising system in use with moving objects.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

***Points of Contact***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

*Haythim J. Alaubaidi*

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Patent Examiner  
Technology Center 2100  
Art Unit 2161  
November 28, 2004



SAFET METJAHIC  
SR. ADVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100